THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.17580 of 2005

Dated 20th December 2005

Between:

Dasari Rajaiah, son of Ramaiah,

Aged 32 years, Occ: Employee,

Presently residing at Gangaram village,

Kataram Mandalam, Karimnagar district.

…..Petitioner.

And

1. The Joint Collector, Karimnagar

District, Karimnagar and 6 others.

…. Respondents.

* * *

ORDER:

When W.V.M.P.No.2805 of 2005 came up for consideration, with the consent of both the counsel, the writ petition is taken up for hearing and it is being disposed of by this order.

2. This writ petition has been filed by Dasari Rajaiah with a prayer to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus,

directing the first respondent to consider and pass appropriate orders in respect of revision case bearing No.D1/1368/05 as expeditiously as possible and consequently direct the respondents not to take any coercive steps including dispossession of the petitioner from the land admeasuring 4-20 guntas comprising Sy.No.73 situated in Kondampeta village of Malhar Rao mandal, Karimnagar District.

3. The petitioner claims that he is the owner of land admeasuring 4-20 guntas comprising survey No.73 of Kondampeta village, hamlet of Kesharampally of Malhar Rao Mandal, Karimnagar district having purchased the same from respondents 3 to 7. It appears that respondents 3 to 7 filed a suit in O.S.No.1 of 2004 on the file of the Junior Civil Judge, Manthani to set aside the sale deed executed in favour of the petitioner. The suit ended in decree. Respondents 3 to 7 filed an appeal before the Revenue Divisional Officer to set aside the mutation effected in favour of the petitioner in the revenue records. The appeal came to be allowed. Thereupon, the petitioner filed a revision before the Joint Collector, Karimnagar District. Pending revision, the petitioner approached this court, apprehending dispossession from the land.

4. Respondent No.4 filed counter-affidavit. It is stated in the counter-affidavit that respondents 3 and 6 are no more. It is further stated in the counter-affidavit that the petitioner filed O.S.No.36 of 2003 and moved I.A.No.62 of 2003 seeking interim injunction and the proceedings are pending on the file of the Junior Civil Judge, Manthani. I deem it appropriate to refer paras 6 and 7 of the counter-affidavit and it is thus:

> " In reply to paras 2 and 3 it is in correct to submit that the subject land in writ petition is in possession of petitioner measuring Ac.4-20 guntas out of Sy.No.73 of Kondampet village, Malhar Rao Mandal, Karimnagar District. I submit that on false representation the writ petitioner got executed sale deed in document No.208/98 which was cancelled in O.S.No.1/2004 by judgment and decree dated 29.10.2004. I submit that writ petitioner was never in possession of the above mentioned land. The pattadar pass books and title deeds obtained, basing on the shyam sale transaction vide Doc.No.208/98,

dated 29.05.1998 registered in the office of Sub-Registrar Manthani was cancelled in O.S.No.1/04 as mentioned supra. I submit that neither petitioner has any right of possession nor title to the above land.

I submit that the second respondent rightly cancelled the pattadar passbooks and title deeds on merits and more so the sale transaction on which petitioner was also cancelled by the competent civil court in O.S.No.1/04. Looking from any angle the petitioner has no right of possession or title as such the assertion that he is in possession of above lands is false and once again he wants to mislead this Hon'ble Court and obtained interim order. I submit that on the sole ground writ petition is liable to be dismissed. I am advised to submit that this Hon'ble Court and Apex Court many a time, held that the person who approaches writ courts should approach with clean hands, full material facts and the person who does not come with full and complete facts and half truths is not entitled for equitable relief under Article 226 of constitution of India. One such decision enunciating the above principles is reported in 2003 (5) ALD page 150."

5. Heard the learned counsel for the petitioner and Sri A.Rajasekhara Reddy, learned counsel appearing for respondents 4, 5 and 7.

6. Learned counsel for the petitioner submits that the first respondent having entertained revision has not passed any orders, and thus, necessary direction is required to be issued to the first respondent to dispose of the revision.

7. The factual aspect of petitioner filing revision before the first respondent is not controverted by contesting respondents. In that view of the matter, I deem it appropriate to direct the Joint Collector, Karimnagar District-first respondent to dispose of the revision filed by the petitioner within six weeks from the date of receipt of a copy of this order.

8. The writ petition is, accordingly, disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Date: 20th December 2005.

BSB